

Sec. 30. Section 523I.312, subsection 2, paragraph n, Code 2009, is amended to read as follows:

n. Include an explanation of regulatory oversight by the insurance division in twelve point boldface type, in substantially the following language:

THIS AGREEMENT IS SUBJECT TO RULES ADMINISTERED BY THE IOWA INSURANCE DIVISION. YOU MAY CALL THE INSURANCE DIVISION WITH INQUIRIES OR COMPLAINTS AT ~~(515)281-4441~~ (515)281-5705. WRITTEN INQUIRIES OR COMPLAINTS SHOULD BE MAILED TO: IOWA SECURITIES AND REGULATED INDUSTRIES BUREAU, 330 MAPLE STREET, DES MOINES, IOWA 50319.

Sec. 31. Section 523I.813, subsection 3, Code Supplement 2009, is amended to read as follows:

3. The commissioner shall levy an administrative penalty in the amount of up to five hundred dollars against a cemetery that fails to file the annual report when due, payable to the state for deposit as provided in section 505.7. However, the commissioner may waive the administrative penalty upon a showing of good cause or financial hardship.

Sec. 32. 2009 Iowa Acts, chapter 118, section 1, is amended by adding the following new subsection:

NEW SUBSECTION. 6A. The commission shall also complete an annual review of the cost of health insurance mandates currently imposed on health insurance regulated by the state and provide projections of the cost of any mandates that the commission determines may be considered by the general assembly during the upcoming legislative session. The review and projections shall be included in the annual reports provided by the commission to the general assembly pursuant to this section.

Sec. 33. EFFECTIVE UPON ENACTMENT. The following provisions of this Act, being deemed of immediate importance, take effect upon enactment:

1. The section of this Act enacting section 505.7, subsection 10.
2. The section of this Act enacting section 505.8, subsection 18.
3. The section of this Act amending section 505.17.
4. The sections of this Act enacting sections 505.18 and 505.19.
5. The section of this Act amending 2009 Iowa Acts, chapter 118, section 1.

Approved April 9, 2010

CHAPTER 1122

REGULATION OF MIXED MARTIAL ARTS MATCHES AND EVENTS

S.F. 2286

AN ACT relating to the regulation of professional and amateur mixed martial arts matches and events by the labor commissioner and providing penalties.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 90A.1, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 2A. “Mixed martial arts match” means a professional or amateur mixed martial arts match or event that is open to the public and an admission fee is charged, a donation is requested from those in attendance, or merchandise or refreshments are available for purchase.

Sec. 2. Section 90A.1, subsections 3 and 4, Code 2009, are amended to read as follows:

3. “*Official*” means a person who is employed as a referee, judge, timekeeper, or match physician for a ~~boxing or wrestling match~~ or event covered by this chapter.

4. “*Participant*” means a person involved in ~~the boxing or wrestling a match or event covered by this chapter~~, and includes contestants, seconds, managers, and similar event personnel.

Sec. 3. Section 90A.1, subsection 6, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Organizes, holds, advertises, or otherwise conducts a mixed martial arts match.

Sec. 4. Section 90A.2, subsection 1, Code 2009, is amended to read as follows:

1. A person shall not act as a promoter of a professional boxing or wrestling match or a mixed martial arts match without first obtaining a license from the commissioner. This subsection shall not apply to a person distributing a closed-circuit, pay-per-view, or similarly distributed signal to a person acting as a promoter or to a person viewing the signal in a private residence.

Sec. 5. Section 90A.4, Code 2009, is amended to read as follows:

90A.4 Match promoter responsibility.

~~The A promoter, as defined in section 90A.1, subsection 6, paragraph “a”, shall be responsible for the conduct of all officials and participants at a professional boxing or wrestling match or event covered by this chapter. The commissioner may reprimand, suspend, deny, or revoke the participation of any promoter, official, or participant for violations of rules adopted by the commissioner. Rulings or decisions of a promoter or an official are not decisions of the commissioner and are not subject to procedures under chapter 17A. The commissioner may take action based upon the rulings or decisions of a promoter or an official. This section shall not apply to a promoter as defined in section 90A.1, subsection 6, paragraph “b”.~~

Sec. 6. Section 90A.5, subsection 1, paragraphs c and h, Code 2009, are amended to read as follows:

c. A ~~boxer~~ contestant fails to pass a preflight physical examination.

h. A match promoter, ~~professional boxer~~ contestant, or participant is in violation of rules adopted pursuant to section 90A.7.

Sec. 7. Section 90A.5, subsection 1, Code 2009, is amended by adding the following new paragraph:

NEW PARAGRAPH. i. A contestant does not present adequate proof of age pursuant to section 90A.12.

Sec. 8. Section 90A.6, subsection 1, unnumbered paragraph 1, Code 2009, is amended to read as follows:

The commissioner may suspend, deny, revoke, annul, or withdraw a license, registration, or authority to participate in a professional boxing or wrestling match or mixed martial arts match if any of the following occur:

Sec. 9. Section 90A.9, subsection 1, Code 2009, is amended to read as follows:

1. The promoter of a professional boxing or wrestling match or event or a mixed martial arts match shall, within twenty days after the match or event, furnish to the commissioner a written report stating the number of tickets sold, the gross amount of admission proceeds of the ~~professional boxing or wrestling match or event~~, and other matters the commissioner may prescribe by rule. The value of complimentary tickets in excess of five percent of the number of tickets sold shall be included in the gross admission receipts. Within twenty days of the match or event, the promoter shall pay to the treasurer of state a tax of five percent of its total gross admission receipts, after deducting state sales tax, from the sale of tickets of admission to the ~~professional boxing or wrestling match or event~~.

Sec. 10. Section 90A.11, Code 2009, is amended to read as follows:

90A.11 License penalty penalties — cease and desist order.

1. A person who acts as a professional boxing or wrestling match promoter, as defined in section 90A.1, without first obtaining a license commits a serious misdemeanor. In addition to criminal penalties, the promoter and shall be liable to the state for the taxes and penalties pursuant to section 90A.9.

2. a. Notwithstanding the procedural requirements of chapter 17A, the commissioner may issue an order to cease and desist a match or event if the criteria of this subsection are met. The county sheriff shall assist with service and enforcement of the commissioner's order to cease and desist if requested by the commissioner. The provisions of chapter 17A shall apply after enforcement of the order to cease and desist.

b. The commissioner may issue an order to cease and desist a match or event if all of the following have occurred:

(1) The commissioner conducted an investigation and determined a promoter is organizing, advertising, holding, or conducting an event or match that is within the scope of section 90A.2.

(2) The promoter has not applied for or has been denied a license.

(3) The deadline to file a timely license application has passed.

3. a. A person who acts as a promoter without first obtaining a license is subject to a civil penalty of not more than ten thousand dollars for each violation.

b. The commissioner shall notify the unlicensed promoter of a proposed civil penalty by service in the same manner as an original notice or by certified mail. If within fifteen business days from the receipt of the notice, the unlicensed promoter fails to file a notice of contest in accordance with rules adopted by the commissioner pursuant to chapter 17A, the penalty as proposed shall be deemed final agency action for purposes of judicial review.

c. The commissioner shall notify the department of revenue upon final agency action regarding the assessment of a civil penalty against an unlicensed promoter. Interest shall be calculated on the penalty from the date of final agency action.

d. Judicial review of final agency action pursuant to this section may be sought in accordance with the terms of section 17A.19. If no petition for judicial review is filed within sixty days after service of the final agency action of the commissioner, the commissioner's findings of fact and final agency action shall be conclusive in connection with any petition for enforcement which is filed by the commissioner after the expiration of the sixty-day period. The clerk of court, unless otherwise ordered by the court, shall enter a decree enforcing the final agency action and shall transmit a copy of the decree to the commissioner and the unlicensed promoter named in the petition.

e. Civil penalties recovered pursuant to this section shall be remitted by the commissioner to the treasurer of state for deposit in the general fund of the state.

Sec. 11. Section 90A.12, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3. A person shall not be a contestant in a mixed martial arts match unless the contestant is eighteen years of age or older. Each contestant shall submit to the commissioner a certified birth certificate, or similar document, validating the contestant's date of birth prior to the match in order to verify the contestant's eligibility.

Approved April 9, 2010

CHAPTER 1123

CEDAR RIVER BOAT DOCK REQUIREMENTS

H.F. 2484

AN ACT exempting certain boat harbors from certain dock requirements and including effective date provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION. 462A.27A Dock requirements — exemptions.**

1. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand is exempt from all dock requirements of the department of natural resources if the dock is in compliance with local city regulations for a dock in such a boat harbor except as provided in subsection 2.

2. A dock in a boat harbor located on the Cedar river in a city with a population of more than one hundred twenty-five thousand located in a county with a population of more than two hundred thousand that meets the requirements of subsection 1 and that uses containers as dock flotation devices that were not originally manufactured as dock flotation devices, may continue to use such containers as dock flotation devices if the containers were in use on or before the effective date of this Act. At the time that such containers are replaced, the replacement dock flotation devices shall be dock flotation devices that comply with the rules of the department of natural resources. However, if the ownership of the dock is transferred, the new owner shall have six months from the date of transfer to replace such containers with dock flotation devices that comply with the rules of the department of natural resources.

Sec. 2. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved April 10, 2010

CHAPTER 1124

OPERATING-WHILE-INTOXICATED — MISCELLANEOUS CHANGES

S.F. 431

AN ACT relating to the reorganization of operating-while-intoxicated criminal offenses, making related changes, and providing an effective date.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 321J.2, Code 2009, is amended by striking the section and inserting in lieu thereof the following:

321J.2 Operating while under the influence of alcohol or a drug or while having an alcohol concentration of .08 or more (OWI).

1. A person commits the offense of operating while intoxicated if the person operates a motor vehicle in this state in any of the following conditions:

a. While under the influence of an alcoholic beverage or other drug or a combination of such substances.

b. While having an alcohol concentration of .08 or more.

c. While any amount of a controlled substance is present in the person, as measured in the person's blood or urine.

2. A person who violates subsection 1 commits:

a. A serious misdemeanor for the first offense.